

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:15-CV-00583-F

ADOLPHO BEASLEY, JOHNATHAN
CLARK, and CALVIN MCINTYRE,
individually and on behalf of all persons
similarly situated,

Plaintiffs,

v.

CUSTOM COMMUNICATIONS, INC.,

Defendant.

**JOINT MOTION TO EXTEND
DEADLINE FOR THE PARTIES TO
SUBMIT THEIR DISCOVERY PLAN**

COME NOW the parties, by and through their undersigned counsel, and move the Court to extend the deadline to submit a discovery plan to the Court until such time as the Court has ruled on Plaintiffs' Motion to Allow Notice to Be Sent to Potential Plaintiffs Informing Them of Their Right to Opt-In to This Case Under the Fair Labor Standards Act, 29 U.S.C. § 216(b) ("Motion to Allow Notice"). In support of this motion, the parties show the Court the following:

1. On January 20, 2016, the Court entered an Order for Discovery Plan in this case which required the parties to conduct a Rule 26(f) meeting on or before February 20, 2016 and to submit a proposed discovery within fourteen days thereafter.

2. On February 12, 2016, Plaintiffs filed their Motion to Allow Notice and supporting Memorandum asking the Court to facilitate Court-approved notice of the present action to all current and former Technicians of Defendant who were classified as independent contractors between February 12, 2013 and the present. The deadline for Defendant to respond

to this Motion to Allow Notice is March 18, 2016. Plaintiffs will then have an opportunity to file their Reply in support of their Motion.

3. Counsel for the parties conducted a Rule 26(f) meeting via teleconference on February 18, 2016 to discuss the scope of discovery and proposed deadlines to be included in the discovery plan. The time for the parties to submit a discovery plan pursuant to the Court's Order has not expired.

4. The parties agree that the scope of discovery, the length of the discovery period, and the deadlines to file various motions and pretrial pleadings will depend in large part on the Court's decision on Plaintiffs' Motion to Allow Notice. As such, they respectfully request that the Court extend the time for the parties to submit their discovery plan to the Court until after the Court has ruled on Plaintiffs' Motion to Allow Notice.

5. Specifically, the parties ask the Court to modify the Order for Discovery Plan to allow them to conduct a discovery conference within 21 days of the Court's decision on the Motion to Allow Notice and to submit their proposed discovery plan within 14 days after said discovery conference.

6. The parties have stipulated that they will exchange their initial disclosures by or before April 1, 2016, and that discovery shall commence immediately following the discovery conference held following the Court's decision.

7. This motion is made in good faith and not for the purpose of delay.

WHEREFORE, the parties respectfully move the Court for an Order allowing them to conduct a discovery conference within 21 days of the Court's decision on the Motion to Allow Notice and to submit their proposed discovery plan within 14 days after said discovery conference.

Dated: March 2, 2016

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Respectfully submitted,

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